

(1) recognizes the accomplishments and example of César Estrada Chávez, a great hero of the United States;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry: “¡Sí, se puede!”, which is Spanish for “Yes, we can!”.

SENATE RESOLUTION 573—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. ROBERTSON, ET AL

Mr. SCHUMER (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 573

Whereas, in the case of *United States v. Robertson, et al.*, Cr. No. 21-34, pending in the United States District Court for the District of Columbia, the prosecution has requested the production of testimony from Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and from Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, a department of the Office of the Sergeant at Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former officers and employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of *United States v. Robertson, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Messrs. Schwager, Russell, and Torres, and any current or former officer or employee of their offices, in connection with the production of evidence authorized in section one of this resolution.

SENATE RESOLUTION 574—DESIGNATING MAY 2, 2022, AS “DR. JOHN E. FRYER DAY”

Mr. CASEY (for himself and Ms. BALDWIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 574

Whereas Dr. John E. Fryer practiced psychiatry in Philadelphia, Pennsylvania, from 1967 to 2003, and was a professor of psychiatry and family and community medicine at Temple University School of Medicine;

Whereas, beginning in 1952, the American Psychiatric Association (referred to in this preamble as the “APA”) classified homosexuality as a mental disorder in the Diagnostic and Statistical Manual (referred to in this preamble as the “DSM”) and in the revised DSM-II;

Whereas, as a result of the classification and resulting therapeutic protocol, homosexuals in the United States were subject to chemical castration, electric shock therapy, mental institutionalization, and lobotomies;

Whereas the classification was used to demonize homosexuals and other non-heterosexuals as perverts to be feared and loathed and to buttress homophobic statutes and regulations;

Whereas many States would not grant professional licenses to known homosexuals and would revoke licenses from individuals who were later found to be homosexual;

Whereas, in 1971, gay rights pioneers Frank Kameny and Barbara Gittings successfully petitioned the APA for a panel on homosexuality at the APA annual meeting;

Whereas Kameny and Gittings sought to have a gay psychiatrist on the panel, but no one would risk losing their license and professional standing by admitting publicly to being homosexual;

Whereas Dr. Fryer agreed to appear on the panel under the pseudonym of Dr. Henry Anonymous, while in a mask and using a voice modulator;

Whereas Dr. Fryer’s testimony on May 2, 1972, at the APA annual meeting was so powerful that the APA undertook studies to determine whether the classification of homosexuality as a mental illness was based on science or prejudice;

Whereas, in 1973, after study and review, the members of the APA voted to declassify homosexuality as a mental illness;

Whereas, as a result of Dr. John E. Fryer’s courage and articulate presentation as the first psychiatrist in the United States to speak publicly about his homosexuality, the course of civil rights for individuals who are lesbian, gay, bisexual, transgender, and queer (referred to in this preamble as “LGBTQ”) was seminally advanced;

Whereas, during the human immunodeficiency virus and acquired immunodeficiency syndrome (referred to in this preamble “HIV/AIDS”) crisis, Dr. John Fryer was among the first, if not the first, psychiatrists to provide professional services to individuals with HIV/AIDS and individuals who had lost loved ones to HIV/AIDS;

Whereas Dr. John Fryer’s contributions to the LGBTQ community have been adapted into the celebrated theater production entitled “217 Boxes of Dr. Henry Anonymous” and the movie “CURED”;

Whereas the Philadelphia Historical Commission has designated the John E. Fryer House at 138 West Walnut Lane, Philadelphia, Pennsylvania, as historic in the Philadelphia Register of Historic Places;

Whereas the Philadelphia City Council proclaimed May 2, 2022, as John Fryer Day in the city of Philadelphia to mark the 50th anniversary of his testimony on homosexuality at the 1972 APA annual meeting and to commemorate his momentous and seminal LGBTQ civil rights activism; and

Whereas Dr. John Fryer is a civil rights hero and was designated by the Equality Forum as an LGBT History Month Icon in 2016: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2, 2022, as “Dr. John E. Fryer Day”; and

(2) encourages the Federal Government, States, and localities to continue supporting the teaching of lesbian, gay, bisexual, transgender, and queer (referred to in this resolution as “LGBTQ”) history, including

the contributions of Dr. John E. Fryer and other LGBTQ civil rights heroes.

SENATE CONCURRENT RESOLUTION 35—SUPPORTING THE GOALS AND IDEALS OF INTERNATIONAL TRANSGENDER DAY OF VISIBILITY

Mr. SCHATZ (for himself, Mr. MARKEY, Mr. CASEY, Ms. HIRONO, Ms. WARREN, Ms. BALDWIN, Ms. DUCKWORTH, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. ROSEN, Mr. CARPER, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. WYDEN, Mr. WHITEHOUSE, Mr. BENNET, Mr. HEINRICH, Mrs. FEINSTEIN, and Mr. MURPHY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 35

Whereas International Transgender Day of Visibility was founded in 2009 to honor the achievements and contributions of the transgender community;

Whereas International Transgender Day of Visibility is designed to be encompassing of a large community of individuals, including individuals who identify as nonbinary, gender-nonconforming, and gender-diverse;

Whereas International Transgender Day of Visibility is a time to celebrate the lives and achievements of transgender, nonbinary, gender-nonconforming, and gender-diverse individuals around the world, and to recognize the bravery it takes to live openly and authentically;

Whereas International Transgender Day of Visibility is also a time to raise awareness of the discrimination and violence that the transgender community still faces, which make it difficult and even unsafe or fatal for many transgender individuals to be visible;

Whereas the transgender community has suffered oppression disproportionately in many ways, including—

- (1) discrimination in the workplace;
- (2) discrimination in educational institutions; and
- (3) subjection to violence;

Whereas forms of transgender oppression are exacerbated for transgender individuals of color, individuals with limited resources, immigrants, individuals living with disabilities, justice-involved individuals, and transgender youth;

Whereas a record number of anti-transgender State bills have been introduced in recent years;

Whereas the transgender community has made it clear that transgender individuals will not be erased and deserve to be accorded all of the rights and opportunities made available to all;

Whereas, before the creation of the United States, Indigenous two-spirit, transgender, nonbinary, gender-nonconforming, and gender-diverse individuals existed across North America in many Native American communities;

Whereas many Native American communities have specific terms in their own languages for the gender-variant members of their communities and the social and spiritual roles these individuals fulfill;

Whereas, while many two-spirit and gender-variant traditions in Native American communities were lost or actively suppressed by the efforts of missionaries, government agents, boarding schools, and settlers, many of these traditions have seen a revival in recent decades;

Whereas transgender, nonbinary, gender-nonconforming, and gender-diverse individuals continue to bravely tell their stories and push for full equity under the law;

Whereas the civil-rights struggle has been strengthened and inspired by the leadership of the transgender community;

Whereas 23 States have at least 1 transgender elected official, and there are 12 transgender, gender-nonconforming, or non-binary elected officials in State legislatures, including—

- (1) Danica Roem;
- (2) Gerri Cannon;
- (3) Cesar Chavez;
- (4) Brianna Titone;
- (5) Lisa Bunker;
- (6) Joshua Query;
- (7) Sarah McBride;
- (8) Stephanie Byers;
- (9) Taylor Small;
- (10) Mauree Turner;
- (11) Stacie Laughton; and
- (12) Mike Simmons;

Whereas voters in the State of Delaware elected Sarah McBride as the first openly transgender State senator in the United States;

Whereas voters in the State of Oklahoma elected Mauree Turner as the first openly nonbinary State legislator in the United States;

Whereas, in the State of Illinois, Mike Simmons became the first openly nonbinary or gender-nonconforming State senator in the United States;

Whereas 4 States have a transgender jurist on the bench, including—

- (1) Judge Phyllis Frye of Texas;
- (2) Judge Victoria Kolakowski of California;
- (3) Commissioner Tracy Nadzieja of Arizona; and
- (4) Judge Jill Rose Quinn of Illinois;

Whereas Admiral Rachel L. Levine, MD, was the first openly transgender Federal official confirmed by the United States Senate and is the highest ranking openly transgender Federal Government official in the history of the United States;

Whereas Stella Keating became the first transgender teen to testify before the United States Senate;

Whereas more transgender individuals are gracing the covers of magazines to raise awareness of their gender identity and the importance of living authentically;

Whereas transgender individuals have created culture and history as artists, musicians, healers, workers, and organizers; and

Whereas International Transgender Day of Visibility is a time to celebrate the transgender community around the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

- (1) supports the goals and ideals of International Transgender Day of Visibility;
- (2) encourages the people of the United States to observe International Transgender Day of Visibility with appropriate ceremonies, programs, and activities;
- (3) celebrates the accomplishments and leadership of transgender, nonbinary, gender-nonconforming, and gender-diverse individuals; and
- (4) recognizes the bravery of the transgender community as it fights for equal dignity and respect.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5017. Mr. SCHUMER (for Ms. CANTWELL (for herself, Mr. WICKER, Ms. KLOBUCHAR, and Mr. THUNE)) proposed an amendment to the bill S. 3580, to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes.

TEXT OF AMENDMENTS

SA 5017. Mr. SCHUMER (for Ms. CANTWELL (for herself, Mr. WICKER, Ms. KLOBUCHAR, and Mr. THUNE)) proposed an amendment to the bill S. 3580, to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean Shipping Reform Act of 2022”.

SEC. 2. PURPOSES.

Section 40101 of title 46, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) ensure an efficient, competitive, and economical transportation system in the ocean commerce of the United States;”;

(2) in paragraph (3), by inserting “and supporting commerce” after “needs”; and

(3) by striking paragraph (4) and inserting the following:

“(4) promote the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.”.

SEC. 3. SERVICE CONTRACTS.

Section 40502(c) of title 46, United States Code, is amended—

(1) in paragraph (7), by striking “; and” and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) any other essential terms that the Federal Maritime Commission determines necessary or appropriate through a rule-making process.”.

SEC. 4. SHIPPING EXCHANGE REGISTRY.

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“§ 40504. Shipping exchange registry

“(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

“(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate to complete a shipping exchange’s registration.

“(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in a foreign country where the shipping exchange is headquartered.

“(d) REGULATIONS.—Not later than 3 years after the date of enactment of the Ocean Shipping Reform Act of 2022, the Commission shall issue regulations pursuant to subsection (a), which shall set standards necessary to carry out subtitle IV of this title for registered national shipping exchanges.

For consideration of a service contract entered into by a shipping exchange, the Commission shall be limited to the minimum essential terms for service contracts established under section 40502 of this title.

“(e) DEFINITION OF SHIPPING EXCHANGE.—In this section, the term ‘shipping exchange’ means a platform (digital, over-the-counter, or otherwise) that connects shippers with common carriers for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.”.

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by subsection (a)), shall take effect on the date on which the Federal Maritime Commission states the rule is effective in the regulations issued under such section.

(c) CLERICAL AMENDMENT.—The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“40504. Shipping exchange registry.”.

SEC. 5. PROHIBITION ON RETALIATION.

Section 41102 of title 46, United States Code, is amended by adding at the end the following:

“(d) RETALIATION AND OTHER DISCRIMINATORY ACTIONS.—A common carrier, marine terminal operator, or ocean transportation intermediary, acting alone or in conjunction with any other person, directly or indirectly, may not—

“(1) retaliate against a shipper, an agent of a shipper, an ocean transportation intermediary, or a motor carrier by refusing, or threatening to refuse, an otherwise-available cargo space accommodation; or

“(2) resort to any other unfair or unjustly discriminatory action for—

“(A) the reason that a shipper, an agent of a shipper, an ocean transportation intermediary, or motor carrier has—

“(i) patronized another carrier; or

“(ii) filed a complaint against the common carrier, marine terminal operator, or ocean transportation intermediary; or

“(B) any other reason.”.

SEC. 6. PUBLIC DISCLOSURE.

Section 46106 of title 46, United States Code, is amended by adding at the end the following:

“(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

“(1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and

“(2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier.”.

SEC. 7. COMMON CARRIERS.

(a) IN GENERAL.—Section 41104 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “may not” and inserting “shall not”;

(B) by striking paragraph (3) and inserting the following:

“(3) unreasonably refuse cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods;”;

(C) in paragraph (5), by striking “in the matter of rates or charges” and inserting “against any commodity group or type of shipment or in the matter of rates or charges”;

(D) in paragraph (10), by adding “, including with respect to vessel space accommodations provided by an ocean common carrier” after “negotiate”;